

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MERINO LORETO,) Case No.
vs.)
Plaintiff,)
vs.)
TONY WEEKLY, JR. and BOHREN)
LOGISTICS, INC.,)
Defendants.)

NOTICE OF REMOVAL

DEFENDANTS Tony Weekly, Jr. and Bohren Logistics Inc., by and through their undersigned counsel, hereby remove Case No: CI 18-22 from the District Court of Keith County, Nebraska to the United States District Court for the District of Nebraska pursuant to 28 U.S.C. §1332; 1441 and 1446, and as grounds for the Removal state as follows:

STATEMENT OF THE CASE

1. This matter arises out of a motor vehicle accident on July 31, 2016.
2. On December 9, 2017, counsel for Kathryne Pals, as Personal Representative of the estate of Jamison B. Pals and Personal Representative of the estate of Ezra A. Pals, and Gordon Engel, as Personal Representative of the estate of Kathryne L. Pals, Personal Representative of the estate of Violet J. Pals, and Personal Representative of the estate of Calvin B. Pals, filed a Complaint in Federal Court Civil Action No. 8:17-cv-00027 arising out of the same accident.
3. On May 30, 2017, counsel for Juan Pablo Velez, Martiniana Velez, and Paolo Velez, filed a Complaint also in Federal Court, Case ID No. 8:17-cv-175, for a claim arising out of the same accident.
4. On January 31, 2018, Plaintiff Merino Loreto filed a Complaint in Keith County, Nebraska for Case No. CI 18-22.

5. Defendant Tony Weekly was served with the summons on January 31, 2018. This Notice is timely filed.
6. A certified copy of all process, pleadings, and Order served upon Defendants in the State Court action are attached in support of this filing.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332 § a

7. This Court has jurisdiction over this matter under 28 U.S.C. § 1332 § a because there is complete diversity of citizenship between Plaintiff and the Defendants and more than \$75,000.00, exclusive of interest and costs, is at stake.
8. Plaintiff alleges he is a resident of the State of Colorado.
9. Bohren Logistics is a trucking company incorporated in the State of Indiana.
10. Defendant Tony Weekly, Jr. is a resident of the State of Florida.
11. All of the named Defendants have joined in and consent to this Notice of Removal.
12. There are already two cases pending which were filed by other parties to the accident. These arise out of the same accident, and both are currently being litigated in Federal Court.

WHEREFORE, Defendants Bohren Logistics, Inc. and Tony Weekly, Jr. respectfully request that this action be removed to the United States District Court for the District of Nebraska.

Dated this 26th day of February, 2018

TONY WEEKLY, JR. and BOHREN LOGISTICS, INC.,
Defendants,

By: /s/ Christopher A. Sievers
Terrance O. Waite, #15497
Christopher A. Sievers, #22478

For WAITE, McWHA & HENG
P. O. Box 38 - 116 No. Dewey St.
North Platte, Nebraska 69103-0038
Telephone: (308) 532-2202
Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February 2018, the above and foregoing was served by USPS postage paid upon the Plaintiff by and through his attorney, Steven P. Vinton.

Steven P. Vinton
Bacon & Vinton, L.L.C.
P.O. Box 208
Gothenburg, NE 69138

/s/ Christopher A. Sievers
Christopher A. Sievers